IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 546 of 2005 (S/S)

Rajesh Kumar Dubey adopted
S/o Sri Mahesh Chand
R/o 608 Bari Bamanpuri
Bareilly (U.P.) … Petitioner

Versus

1. Uttaranchal Power Corporation through
   Chairman & Managing Director
2. Deputy General Manager
   Uttaranchal Power Corporation Electricity
   Distribution Mandal
   Rudrapur, Udham Singh Nagar
3. Executive Engineer Electricity
   Distribution Division, Rudrapur
   District Udham Singh Nagar … Respondents

Sri Arvind Vashisht, learned counsel for the petitioner
Sri Paresh Tripathi, learned counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this writ petition the petitioner has prayed a direction in the nature of mandamus in commanding the respondents to consider the claim of the petitioner for his appointment in the Department on the compassionate ground under Dying in Harness Rules.

Brief facts giving rise to this petition are that one Mahesh Chand Dubey was an employee with respondent No. 3 who died on 08.10.1995 while in service. Mahesh Chand Dubey was unmarried and he adopted the petitioner as a son in the year 1990. After the death of Mahesh Chand Dubey, the petitioner was granted his succession certificate and get his family pension as a son.

The petition further reveals that the family pension granted to the petitioner is not sufficient to support the petitioner. It has also been averred that the petitioner has attained the age of 25 years. Therefore, keeping in view his pitiable condition, the appointment should be given to him on compassionate ground.

The petitioner is further averred that he wrote the letter applying for his appointment immediately after attaining the age of 18 years but no decision has been taken as yet.

Heard learned counsel for the petitioner as well as learned standing counsel and perused the record.

The petitioner has filed the copy of the representation dated 20.08.2004 (annexure 6 to the petition). It appears to me that the respondents have not taken any decision in the matter while his application is pending for the last more than 10 months.

In a case where the appointment is sought on the compassionate ground under the Dying in Harness Rule, the authority concerned should decide these types of matters with promptitude.

I think, at the end of justice would meet in case, if the direction is issued to the respondents No. 2 and 3 for deciding the representation of the petitioner in a sympathetic manner by the speaking and reasoned order.

In view of the above, I direct the respondent No. 2 and 3 to decide the representation of the petitioner within a period of 30 days from the date of receipt of the copy of the order.

With the aforesaid observation, the writ petition is disposed of finally.

(B.C. Kandpal, J.)

09.06.2005
ASWAL